

---

**1993 Wis Eth Bd 7**  
**STATEMENTS OF ECONOMIC INTERESTS**

---

Section 19.44(1)(a), *Wisconsin Statutes*, requires a state public official who is a lawyer to identify on the individual's Statement of Economic Interests those clients of the individual's law firm for which the individual provides representation in dealings with third parties or for which the individual is authorized to act as part of overall supervisory responsibility for the firm's providing those services. An official need not identify clients of the official's firm for which the official did not act as an authorized representative or agent in dealings with third parties or act in a supervisory capacity with respect to other attorneys in the firm who did provide such services.

OEB 93-7 (May 7, 1993)

Facts

[1] This opinion is based upon these understandings:

- a. You are a state public official required to file an annual Statement of Economic Interests.
- b. You are a lawyer in a large law firm with thousands of business clients.
- c. In completing your Statement of Economic Interests, you have listed a number of business organizations that you represent as an attorney in dealings with third parties.
- d. You have also listed organizations for which other attorneys in your firm provide similar legal representation but where you are directly involved in supervising your firm's overall relationship with those clients.
- e. You have not listed business clients of your firm for whom you personally provided little or no legal services and for which you have no direct supervisory responsibility.

Questions

[2] The Ethics Board understands your questions to be:

Have you fulfilled the statutory filing requirement of §19.43 and §19.44(1)(a), *Wisconsin Statutes*, which require that you identify all organizations of which you are “an authorized representative or agent”?

## Discussion

[3] Section 19.44(1)(a), *Wisconsin Statutes*, requires that every Statement of Economic Interests contains “the identity of every organization with which the individual required to file is associated and the nature of his or her association with the organization.” In 1991 Wisconsin Act 269, the definition of an organization with which a public official is associated was amended to include any organization “of which an individual or a member of his or her immediate family is an authorized representative or agent.” §19.42(2), *Wisconsin Statutes*.

[4] The question whether a public official is the authorized representative or agent of an organization is a factual one. The answer will depend on the nature and scope of services authorized by or provided to an organization by an official who is an employee or independent contractor as well as on the position an official might hold in the organization. In the case of a public official who is a lawyer in private practice, the Ethics Board understands the reporting requirement to mean that the lawyer identify all organizations for which the lawyer provides representation in dealings with third parties. This can include clients that an attorney represents before tribunals or other government bodies or in negotiations with private individuals or entities. In such instances, an attorney is, of necessity, acting as the representative or agent of the client.

[5] Similarly, if a lawyer is charged with overall responsibility for a law firm's provision of services to a client, and those services include representation before third parties, the overseeing lawyer is likely to be authorized to act in such capacity, whether or not called upon to do so.

[6] In contrast to situations in which an attorney is dealing with third parties on behalf of a client, a lawyer does not become an authorized representative or agent of an organization, within the meaning of the definition, merely because the lawyer provides advice or legal counsel to a client.

[7] You have indicated that you have identified organizations that you have represented as an attorney in dealings with third parties as well as organizations that other members of the firm represented in dealings with third parties but of which you are the primary attorney from the client's viewpoint. We agree that it is appropriate for you to list such clients.

[8] You also indicated that you have not identified clients to which you may have provided legal services but for which you did not provide representation with respect to third parties or for which you had direct supervisory responsibility. We agree that under these circumstances you were not an authorized representative or agent for such clients and need not identify them on your Statement of Economic Interests.

## Advice

[9] Section 19.44(1)(a), *Wisconsin Statutes*, requires a state public official who is a lawyer to identify on the individual's Statement of Economic Interests those clients of the individual's law firm for which the individual provides representation in dealings with third parties or for which the individual is authorized to act as part of overall supervisory responsibility for the firm's providing those services. An official need not identify clients of the official's firm for which the official did not act as an authorized representative or agent in dealings with third parties or act in a supervisory capacity with respect to other attorneys in the firm who did provide such services.